

Senate Study Bill 1104

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to administrative and planning requirements
2 involving children for whom the department of human services
3 has responsibility under state or federal law.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1467DP 83
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1 1 DIVISION I
1 2 TRANSITION PLANNING
1 3 Section 1. Section 232.2, subsection 4, paragraph f, Code
1 4 2009, is amended to read as follows:
1 5 f. (1) When a child is sixteen years of age or older, a
1 6 written transition plan of services which, based upon an
1 7 assessment of the child's needs, would assist the child in
1 8 preparing for the transition from foster care to adulthood.
1 9 ~~The written transition plan of services and needs assessment~~
1 10 ~~shall be developed with a focus on the services, other~~
1 11 ~~support, and actions necessary to facilitate the child's~~
1 12 ~~successful entry into adulthood. The transition plan shall be~~
1 13 ~~personalized at the direction of the child and shall be~~
1 14 ~~developed with the child present, honoring the goals and~~
1 15 ~~concerns of the child, and shall address the following areas~~
1 16 ~~of need when the child becomes an adult, including but not~~
1 17 ~~limited to all of the following:~~
1 18 ~~(a) Education.~~
1 19 ~~(b) Employment services and other workforce support.~~
1 20 ~~(c) Health and health care coverage.~~
1 21 ~~(d) Housing.~~
1 22 ~~(e) Relationships, including local opportunities to have a~~
1 23 ~~mentor.~~
1 24 ~~(f) If the needs assessment indicates the child is~~
1 25 ~~reasonably likely to need or be eligible for services or other~~
1 26 ~~support from the adult service system upon reaching age~~
1 27 ~~eighteen, the transition plan shall provide for the child's~~
1 28 ~~application for adult services.~~
1 29 (2) ~~The transition plan shall be considered a working~~
1 30 ~~document and shall be reviewed and updated for each permanency~~
1 31 ~~hearing by the court or other formal case permanency plan~~
1 32 ~~review and during the ninety calendar-day period preceding the~~
1 33 ~~child's eighteenth birthday, and may be reviewed and updated~~
1 34 ~~more frequently.~~
1 35 (3) ~~The transition plan shall be developed and reviewed by~~
2 1 ~~the department in collaboration with a child-centered~~
2 2 ~~transition team. The transition team shall be comprised of~~
2 3 ~~the child's caseworker and persons selected by the child,~~
2 4 ~~persons who have knowledge of services available to the child,~~
2 5 ~~and any person who may reasonably be expected to be a service~~
2 6 ~~provider for the child when the child becomes an adult or to~~
2 7 ~~become responsible for the costs of services at that time-~~
2 8 ~~including. If the child is reasonably likely to need or be~~
2 9 ~~eligible for adult services, the transition team membership~~
2 10 ~~shall include representatives from the adult services system.~~
2 11 ~~The adult services system representatives may include but are~~
2 12 ~~not limited to the administrator of county general relief~~
2 13 ~~under chapter 251 or 252 or of the central point of~~
2 14 ~~coordination process implemented under section 331.440. The~~
2 15 ~~membership of the transition team and the meeting dates for~~
2 16 ~~the team shall be documented in the transition plan.~~
2 17 (4) ~~The final transition plan shall specifically identify~~
2 18 ~~how the need for housing will be addressed.~~

2 19 (5) If the child is interested in pursuing higher
2 20 education, the transition plan shall provide for the child's
2 21 participation in the college student aid commission's program
2 22 of assistance in applying for federal and state aid under
2 23 section 261.2.

~~2 24 (2) If the needs assessment indicates the child is
2 25 reasonably likely to need or be eligible for services or other
2 26 support from the adult service system upon reaching age
2 27 eighteen, the transition plan shall be reviewed and approved
2 28 by the transition committee for the area in which the child
2 29 resides, in accordance with section 235.7, before the child
2 30 reaches age seventeen and one-half. The transition
2 31 committee's review and approval shall be indicated in the case
2 32 permanency plan.~~

2 33 (3) (6) Provision for the department or a designee of the
2 34 department on or before the date the child reaches age
2 35 eighteen to provide to the child a certified copy of the
3 1 child's birth certificate and to facilitate securing a federal
3 2 social security card. The fee for the certified copy that is
3 3 otherwise chargeable under section 144.13A, 144.46, or 331.605
3 4 shall be waived by the state or county registrar.

3 5 Sec. 2. Section 232.2, subsection 22, paragraph b,
3 6 subparagraph (7), Code 2009, is amended to read as follows:

3 7 (7) If the child is required to have a transition plan
3 8 developed in accordance with the child's case permanency plan
3 9 and ~~subject to review and approval of a transition committee~~
3 10 developed in collaboration with a child-centered transition
3 11 team under section 235.7 subsection 4, paragraph "f",
3 12 subparagraph (3), assisting the transition committee team in
3 13 development of the transition plan.

3 14 Sec. 3. Section 235.7, Code 2009, is repealed.

3 15 DIVISION II

3 16 EDUCATION-RELATED REQUIREMENTS, RELATIVE 3 17 PLACEMENT, AND SIBLING CONSIDERATIONS

3 18 Sec. 4. Section 232.2, subsection 4, Code 2009, is amended
3 19 by adding the following new paragraph:

3 20 NEW PARAGRAPH. m. Documentation of the educational
3 21 stability of the child while in foster care. The
3 22 documentation shall include but is not limited to all of the
3 23 following:

3 24 (1) Evidence there was an evaluation of the
3 25 appropriateness of the child's educational setting while in
3 26 placement and of the setting's proximity to the educational
3 27 setting in which the child was enrolled at the time of
3 28 placement.

3 29 (2) An assurance either that the department coordinated
3 30 with appropriate local educational agencies to identify how
3 31 the child could remain in the educational setting in which the
3 32 child was enrolled at the time of placement or, if it was
3 33 determined it was not in the child's best interest to remain
3 34 in that setting, that the affected educational agencies would
3 35 immediately and appropriately enroll the child in another
4 1 educational setting during the child's placement and ensure
4 2 that the child's educational records were provided for use in
4 3 the new educational setting. For the purposes of this
4 4 subparagraph, "local educational agencies" means the same as
4 5 defined in the federal Elementary and Secondary Education Act
4 6 of 1965, section 9101, as codified in 20 U.S.C. section
4 7 7801(26).

4 8 Sec. 5. Section 232.102, Code 2009, is amended by adding
4 9 the following new subsections:

4 10 NEW SUBSECTION. 14. Within thirty days after the entry of
4 11 an order transferring custody of a child to the department,
4 12 the department shall exercise due diligence in identifying and
4 13 providing notice to all adult relatives of the child who are
4 14 within the fourth degree of consanguinity of the child and to
4 15 any other adult relative suggested by the child's parents,
4 16 subject to exceptions due to the presence of family or
4 17 domestic violence. The notice content shall include but is
4 18 not limited to all of the following:

4 19 a. A statement that the child has been or is being removed
4 20 from the custody of the child's parent or parents.

4 21 b. An explanation of the options the relative has under
4 22 federal, state, and other law to participate in the care and
4 23 placement of the child, including any options that may be lost
4 24 by failure to respond to the notice.

4 25 c. A description of the requirements for the relative to
4 26 become a foster family home provider and the additional
4 27 services and other support available for children placed in a
4 28 family foster care home.

4 29 d. Information concerning the option to apply for kinship

4 30 guardianship assistance payments.
4 31 NEW SUBSECTION. 15. When an order is entered under this
4 32 section transferring custody of a child who has siblings to
4 33 the department or other agency for placement, the provisions
4 34 of section 232.108 shall be applied.

4 35 Sec. 6. NEW SECTION. 234.4 EDUCATION OF CHILDREN IN
5 1 DEPARTMENTAL PROGRAMS.

5 2 If the department of human services has custody or has
5 3 other responsibility for a child based upon the child's
5 4 involvement in a departmental program involving foster care,
5 5 preadoption or adoption, or subsidized guardianship placement
5 6 and the child is subject to the compulsory attendance law
5 7 under chapter 299, the department shall fulfill the
5 8 responsibilities outlined in section 299.1 and other
5 9 responsibilities under federal and state law regarding the
5 10 child's school attendance.

5 11 Sec. 7. Section 256.9, Code 2009, is amended by adding the
5 12 following new subsection:

5 13 NEW SUBSECTION. 61. Aid the department of human services
5 14 as necessary to accomplish state and federal education-related
5 15 objectives that are applicable to children for whom the
5 16 department of human services has responsibility.

5 17 EXPLANATION

5 18 This bill relates to administrative and planning
5 19 requirements involving children for whom the department of
5 20 human services has responsibility under state or federal law.
5 21 The bill is organized into divisions.

5 22 TRANSITION PLANNING. This division of the bill revises
5 23 transition planning required of the department of human
5 24 services for older children in foster care who are age 16 or
5 25 older and approaching adulthood.

5 26 Current law in Code section 232.2 provides for development
5 27 of a transition plan and needs assessment for such children as
5 28 part of the case permanency plan that is required for each
5 29 child who is subject to a court order transferring custody of
5 30 the child to the department of human services or other agency
5 31 for placement. The transition plans are subject to the
5 32 approval of local transition committees the department is
5 33 required to establish under Code section 235.7.

5 34 The transition committees are eliminated by repealing Code
5 35 section 235.7 and requiring the department to develop the
6 1 transition plan with the child present in collaboration with a
6 2 child-centered team. The team membership is required to
6 3 include persons selected by the child, persons who have
6 4 knowledge of the services available to the child, and persons
6 5 who may become service providers or become responsible for the
6 6 costs of the services when the child becomes an adult,
6 7 including certain persons involved with the adult services
6 8 system.

6 9 The transition plan is required to address housing and
6 10 various other areas of need when the child becomes an adult.
6 11 The transition plan is considered to be a working document and
6 12 is required to be reviewed and updated for each permanency
6 13 hearing by the court or other formal case permanency plan
6 14 review and during the 90 calendar-day period preceding the
6 15 child's eighteenth birthday, and may be reviewed and updated
6 16 more frequently.

6 17 The division includes a conforming amendment to the duties
6 18 of a guardian ad litem to require the guardian ad litem to
6 19 assist the child-centered team in developing the transition
6 20 plan and reflect the elimination of the transition committees.

6 21 EDUCATION-RELATED REQUIREMENTS, RELATIVE PLACEMENT, AND
6 22 SIBLING CONSIDERATIONS. This division addresses
6 23 education-related requirements, relative placement, and
6 24 sibling considerations involving placements.

6 25 The definition of case permanency plan in Code section
6 26 232.2 is expanded to require documentation of the educational
6 27 stability of a child and of the educational setting the child
6 28 attends while in placement. These plans are federally
6 29 required and are regularly reviewed by the court while a child
6 30 is in an out-of-home placement.

6 31 Code section 232.102, relating to transfer of legal custody
6 32 of a child by the court and placement following a child in
6 33 need of assistance determination by the court, is amended to
6 34 require the department of human services to provide a
6 35 notification to the child's relatives when legal custody has
7 1 been transferred to the department. The notice requirement
7 2 has an exception when family or domestic violence is present.
7 3 The requirement is for providing notice within 30 days of
7 4 entry of the custody transfer order and extends to the child's
7 5 relatives through the fourth degree of consanguinity and to

7 6 relatives identified by the child's parent. The notice has
7 7 various required elements including an explanation of the
7 8 options available for the relative to participate in the care
7 9 of the child and to receive financial and program assistance
7 10 for doing so.

7 11 Code section 232.102 is also amended to explicitly apply
7 12 the requirements of Code section 232.108 when an order is
7 13 entered transferring custody of a child who has siblings to
7 14 the department or other agency for placement. The requirement
7 15 under Code section 232.108 is for making a reasonable effort
7 16 to place the child and siblings together in the same placement
7 17 or to facilitate visitation. An exception to the requirement
7 18 is applicable if the court determines the placement or
7 19 visitation would be detrimental to the well-being of the child
7 20 or a sibling. The placement and visitation efforts are
7 21 required to be documented in the child's case permanency plan.

7 22 New Code section 234.4 requires the department of human
7 23 services to fulfill the responsibilities outlined in Code
7 24 section 299.1 when a child is subject to the compulsory school
7 25 attendance law and the department has custody or has other
7 26 responsibility based upon the child's involvement in a
7 27 departmental program involving foster care, preadoption or
7 28 adoption, or subsidized guardianship placement. Subject to
7 29 certain exceptions outlined in Code sections 299.2 and 299.5,
7 30 a parent, guardian, or legal or actual custodian of a child
7 31 who is of compulsory attendance age is required to cause the
7 32 child to attend a public school, an accredited nonpublic
7 33 school, or competent private instruction, during a school
7 34 year. The exceptions to the attendance requirement in Code
7 35 section 299.2 involve the child's graduation or equivalent,
8 1 excuse of the requirement by a court or judge, the child's
8 2 membership in certain religious denominations, excuse for
8 3 certain children who are blind or deaf, and the child's
8 4 attendance at an accredited private college preparatory
8 5 school. The Code section 299.5 exception involves proof that
8 6 the child has a physical or mental inability to attend school,
8 7 or that the child's presence in school would be injurious to
8 8 the health of other pupils.

8 9 Code section 256.9, specifying the duties of the director
8 10 of the department of education, is amended to include a duty
8 11 to aid the department of human services as necessary to
8 12 accomplish state and federal education-related objectives that
8 13 are applicable to children for whom the department of human
8 14 services has responsibility.

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